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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,893	09/29/2003	Keith R. Berding	K35A1413	4865
35219	7590	09/03/2004	EXAMINER	
WESTERN DIGITAL TECHNOLOGIES, INC.			CHEN, TIANJIE	
20511 LAKE FOREST DR. -C205			ART UNIT	
LAKE FOREST, CA 92630			PAPER NUMBER	

2652

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/674,893	BERDING ET AL.	
	Examiner	Art Unit	
	Tianjie Chen	2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,12,13,15-17,27,28,30-32,39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5,12,13,15-17,27,28,30-32 and 39 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/29/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

Ex parte Quayle

1. This application is in condition for allowance except for the following formal matters:

The application should have been amended as follows:

- In specification p. 4, line 24; "drlUE□" should be changed to --drive--.
- In claim 4, line 1; --a first portion of-- should be inserted after "wherein."
- In claim 4, line 2; --a first portion of-- should be inserted after "and."
- In claim 5, line 1; --a second portion of-- should be inserted after "wherein."
- In claim 5, line 2; --a second portion of-- should be inserted after "and."
- In claim 16, line 1; --a first portion of -- should be inserted after "wherein."
- In claim 16, line 2; --a first portion of-- should be inserted after "and."
- In claim 17, line 1; --a second first portion of-- should be inserted after "wherein."
- In claim 17, line 2; --a second portion of-- should be inserted after "and."
- In claim 31, line 1; --a first portion of -- should be inserted after "wherein."
- In claim 31, line 2; --a first portion of-- should be inserted after "and."
- In claim 32 line 1; --a second first portion of-- should be inserted after "wherein."
- In claim 32, line 2; --a second portion of-- should be inserted after "and."

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:
 - With regard to claims 1, 13, and 28; as the closest reference, Luo et al (US 6,414,817) shows a disk drive including: a disk clamp/spacer/flange attached to the hub in mechanical communication with the disk surface, the disk clamp/spacer/ flange including: an inner annular surface disposed adjacent the hub; an outer annular surface disposed concentrically about the inner annular surface; and a disk clamp/spacer/flange land portion disposed between the inner and outer annular surfaces and extending from the inner and outer annular surfaces to adjacent the disk surface; damping member disposed adjacent and in mechanical communication with the disk clamp/spacer/flange and the disk surface for damping movement of the disk relative to the hub; **but fails to show** an annular disk clamp/spacer/flange shim disposed between the damping member and the disk surface and between the disk clamp/spacer/flange land portion and the disk surface.
 - Applicant asserts that utilization of the disk clamp shim has the advantage of mitigating problems associated with the disk clamp damping member being directly disposed upon the disk surface and adhering to the disk surface (Specification, p. 17, lines 16-18).

Art Unit: 2652

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is (703) 305-7499. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TIANJIE CHEN
PRIMARY EXAMINER